

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

ORDER

-against-

05-CR-060 (NGG)

VINCENT BASCIANO,

Defendant.

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NICHOLAS G. GARAUFIS, United States District Judge.

In a letter dated October 22, 2010, Basciano's attorneys stated that Basciano "read me a letter he had sent to Your Honor concerning confidential defense matters, a letter that he requested remain under seal." Defense counsel said Defendant's "letter pertains to the interview of a prospective witness by defense counsel and the impact of that interview on Mr. Basciano's legal situation. . . . Please accept this letter as our request that the letter remain under seal."

Today, November 1, 2010, the court received a letter in a sealed envelope from Defendant. In light of defense counsel's October 22, 2010, letter, this court will not open Defendant's letter and will send it, and all future letters from Defendant, to defense counsel to decide with Defendant, what, if any, information should be provided to the court. This court will not allow itself to be put in the untenable position of deciding whether each letter sent to the court must be placed on the public docket lest it appear that the court is attempting to silence Defendant or must be placed under seal and kept from the Government lest Defendant be prejudiced by the disclosure of confidential defense strategy.

Defendant has three attorneys. It is the role of those attorneys – not this court – to make strategic decisions on behalf of Defendant. Accordingly, this court ORDERS Defendant to cease sending letters directly to the court. Defendant should send any future letters to his attorneys,

who will confer with Defendant as to what information, if any, should be provided to the court for filing on the public docket. Any letters the court receives directly from Defendant, including the most recent letter, will remain unopened and unread. The Clerk of the Court is directed to forward all such letters to defense counsel to determine, with Defendant, how to proceed. Moreover, absent a compelling reason for doing otherwise provided by defense counsel, all letters from Defendant sent to the court through defense counsel will be placed on the public docket. Defense counsel shall provide a copy of this order to Defendant forthwith.

SO ORDERED.

Dated: Brooklyn, New York
November 1, 2010

/s/ Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge